

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BERNARD KRETLOW,

Plaintiff,

v.

TARRELL WASHINGTON,

Defendant.

ORDER

16-cv-582-jdp

Pro se plaintiff Bernard Kretlow filed a proposed complaint alleging that a fellow inmate at the Green Bay Correctional Institution (GBCI), defendant Tarrell Washington, threatened to kill him, members of his family, and others close to him. I reviewed his complaint and concluded that it did not meet the pleading requirements of Federal Rule of Civil Procedure 8, but I gave him a chance to amend his complaint and state a claim. Dkt. 14. Kretlow responded by filing an amended complaint. Dkt. 16. I concluded that Kretlow's amended complaint failed to state a claim upon which relief can be granted, and so I dismissed the case in its entirety. Dkt. 17.

Now, Kretlow asks that the court grant him leave to proceed against Washington. Dkt. 19. I will interpret Kretlow's letter as a motion for reconsideration of my ruling dismissing the case. As I previously explained, I see no federal cause of action that Kretlow's allegations support. *See* Dkt. 14, at 3. And even if Kretlow could state a claim for relief under Wisconsin law, this court cannot consider a case involving only state law claims unless Kretlow can establish diversity jurisdiction, which he has not done. *See id.* Kretlow did not state a claim for relief, so I will deny his motion for reconsideration.

But Kretlow's motion raises another issue. It contains new allegations that he is at risk of future harm. Kretlow explains that he has been transferred from GBCI to the Wisconsin Resource Center and alleges that he will be at risk of an attack by Washington or "his guys that are part of his gang called Vice Lords" if he is transferred back to GBCI. Dkt. 19, at 1. He asks that the court bar the Wisconsin Department of Corrections from returning him to GBCI. These new allegations would be properly brought in a new complaint, not a motion for reconsideration. But even if I were to consider the new allegations, Kretlow still has not stated a claim for relief as required by Rule 8.

If Kretlow continues to believe that he is at risk of future harm, he should ask DOC officials to protect him. If the officials do not protect Kretlow from harm, and Kretlow wishes to pursue these new allegations in this court, he may file a new complaint and pay the required filing fee. If he does so, he should name as defendants the DOC officials who are not protecting him and explain how these officials knew of Washington's threats and what they did, or failed to do, to protect him.

ORDER

IT IS ORDERED that plaintiff Bernard Kretlow's motion for reconsideration, Dkt. 19, is DENIED.

Entered March 14, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge